

Thomas-Jensen Affirmation

Exhibit # 55

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; et al.,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States; et al.,

Defendants.

C.A. No. 1:25-cv-00039-JJM-PAS

DECLARATION OF HEIDI E. MUELLER

I, Heidi E. Mueller, declare as follows:

1. I am a resident of the State of Illinois. I am over the age of 18 and have personal knowledge of all the facts stated herein. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am the Director of the Illinois Department of Children and Family Services (“DCFS”), a position I have held since February 1, 2024. As Director of DCFS, I oversee the care and services that DCFS provides to abused, neglected, and dependent children placed in DCFS’s custody by Illinois courts as well as the services that DCFS provides to children and families at risk of coming into contact with the child welfare system.

3. As Director of DCFS, I have compiled the information set forth below through personal knowledge and my review of information and records gathered by my staff. In particular, I have knowledge of the federal funds upon which DCFS relies because I am the senior DCFS official with the final responsibility to present DCFS’s annual budget proposal, which relies significantly on federal reimbursements and grants.

DCFS's Mission to Help Families and to Prevent Child Abuse

4. The mission of DCFS is to keep children safe by strengthening and supporting families. One aspect of that mission is to investigate allegations of child abuse and neglect, but DCFS also provides a wide array of services to children and families. At the front end, DCFS provides services to families at risk of having children enter foster care. DCFS also provides services and placements to abused, neglected, and dependent youth who are placed in state custody and, at the same time, to their families with the goal of reunifying families or providing alternative permanent living arrangements. DCFS also oversees the licensing and certification of relative and foster family homes and other childcare institutions for youth in custody. Finally, DCFS provides early childhood care and education programs.

5. During fiscal year 2023, DCFS received 231,527 calls to the DCFS child abuse and neglect hotline and conducted 94,508 child abuse and neglect investigations. During that same fiscal year, DCFS provided services to 4,089 families as part of a family preservation program to keep children at home. DCFS further supervised or administered foster care for 19,514 children. As of the end of the state fiscal year on June 30, 2024, DCFS was either supervising or directly managing foster care placements for 18,854 children in Illinois.

6. Children can enter DCFS care at any time prior to their 18th birthday and remain in foster care until they reach 21 years of age. In state fiscal year 2024, 6,252 children entered foster care. The breakdown of the ages of those children at the time they entered foster care is: 1,455 children were less than one year old; 1,942 children were between the ages of one year and five years old; 1,414 children were between the ages of six to ten years old; 1,329 children were between the ages of 11 to 16 years old; and 112 children were 17 years old.

7. DCFS has legal obligations to provide adequate services to these children and families. The Children and Family Services Act, which created DCFS, directs DCFS to “provide

social services to children and their families, to operate children's institutions and to provide certain other rehabilitative and residential services as enumerated in this Act." 20 ILCS 505/1. DCFS must ensure the necessary number of placements and other resources of sufficient quality and variety to meet the needs of children and families. 20 ILCS 505/2.1. DCFS is also subject to a consent decree requiring, among other things, adequate mental health care and education for children in the care of DCFS. *See B.H. v. Mueller*, 88-cv-5599 (N.D. Ill. Dec. 20, 1991).

Federal Funding Streams Relied on by DCFS

8. DCFS relies crucially on federal funds to provide services to both families at risk and the children who enter its care.

Federal Support for Youth in Care

9. Title IV-E of the Social Security Act authorizes reimbursement for the costs of providing foster care, adoption assistance, and kinship guardianship. Each quarter, DCFS must report eligible spending to the federal Administration for Children and Families, and in turn DCFS receives an award letter from the U.S. Department of Health and Human Services.

10. First, DCFS receives funding through Title IV-E Foster Care reimbursements. Title IV-E authorizes reimbursements for costs associated with placing abused, neglected, and dependent children in foster care, including foster care maintenance payments, administrative costs to manage the program, and training costs for DCFS staff and foster parents. In state fiscal year 2024, DCFS earned \$157.3 million in reimbursements from the federal government for foster care.

11. Second, DCFS receives funding through Title IV-E Adoption Assistance reimbursements. These payments defray the cost of adoption subsidy payments to adoptive parents for a child's basic needs, administrative costs of the program, and training for DCFS staff

and adoptive parents. In state fiscal year 2024, DCFS earned \$103.7 million in reimbursements from the federal government for adoption assistance.

12. Third, DCFS receives funding through Title IV-E Guardianship Assistance reimbursements. These payments are reimbursements for guardianship subsidy payments provided to private guardians for a child's basic needs and administrative costs of the program. Guardianship is a permanency alternative for children in foster care that does not require termination of parental rights. In state fiscal year 2024, DCFS earned \$8.7 million in federal reimbursements for guardianship assistance.

Federal Support for Keeping Families Together

13. DCFS also receives funding for Title IV-E Prevention Services Grant Programs. These payments reimburse DCFS for providing services to families at risk of having their children enter foster care. Reimbursable services include mental health treatment, substance abuse counseling, and other interventions aimed at keeping children safe and at home with their families. In state fiscal year 2024, DCFS earned \$37 million in reimbursements from the federal government for such services.

14. Title IV-B of the Social Security Act creates formula-based grants designed to ensure children's safety and well-being, whether they are with their families or in foster care. Promoting Safe and Stable Families grants provide funds to prevent both child maltreatment and the unnecessary separation of children from their families by improving the quality of care and services to children and their families. Promoting Safe and Stable Families funds can be used to establish, expand, or coordinate community-based family support programs, family preservation programs, family reunification programs, and adoption promotion and support services. The U.S. Department of Health and Human Services allocates the funds among the States using a formula based on the number of children receiving Supplemental Nutrition Assistance Payments (SNAP)

in each State. Promoting Safe and Stable Families grants also fund DCFS kinship navigator programs, which assist relatives in raising children. DCFS used this funding to support its Extended Family Services program, which provides short-term services to caregivers related to the child who are not involved in a more formal child welfare program. The goal of Extended Family Services is to assist relatives with obtaining private guardianship of children, securing child-only grants or other services, applying for day care subsidies, enrolling children in the relative caregiver's school district, and buying basic goods and services to maintain a stable home. DCFS generally receives award letters in February or March each year. DCFS was awarded \$20.1 million in grant funds in state fiscal year 2024.

15. DCFS receives funding through the Stephanie Tubbs Jones Child Welfare Services Program, which provides formula-based grants to States to promote state flexibility in the development and expansion of a coordinated child and family services program. This program utilizes community-based agencies and ensures all children are raised in safe, loving families. Program funds are used for the following purposes: (1) protecting and promoting the welfare of all children; (2) preventing the neglect, abuse, or exploitation of children; (3) supporting at-risk families through services that allow children, where appropriate, to remain safely with their families or return to their families in a timely manner; (4) promoting the safety, permanence, and well-being of children in foster care and adoptive families; and (5) providing training, professional development, and support to ensure a well-qualified child welfare workforce. DCFS earned \$9.5 million in grant funds in state fiscal year 2024.

Federal Support for Youth Transitioning into Adulthood

16. DCFS receives funding through the John H. Chafee Foster Care Program for Successful Transition to Adulthood, which provides formula-based grants to States to help young adults transition from foster care to adulthood. Chafee funds underwrite the Independent Living

grant program and the Education and Training grant program. These grants provide funding for an extensive range of supports and services for abused, neglected, and dependent children in foster care, including educational assistance, career services, life skills training, preventive health activities, and programs to encourage independent living as they transition to adult life.

17. In state fiscal year 2024, DCFS earned \$12.3 million in funding under the Chafee Independent Living program and \$1.9 million in the Chafee Education and Training program. For this grant program, state allotments are determined based on the state's percentage of children in foster care, out of the national total of children in foster care, based on data submitted by each state to the Adoption and Foster Care Analysis and Reporting System. DCFS generally receives award letters in February or March of each year.

Federal Support for Preventing Child Abuse

18. DCFS receives grant funding through the Community-Based Child Abuse Prevention program, established by Title II of the Child Abuse Prevention and Treatment Act Amendments of 1996. This program provides funding for community-based initiatives to prevent child abuse and neglect. DCFS currently uses this funding to support eight Crisis Center nurseries, which provide emergency childcare services for parents of children at risk. Child Abuse Prevention and Treatment Act funds also support Positive Parenting programs and sub-grants that DCFS issues to Prevent Child Abuse Illinois, a non-profit organization dedicated to education and public awareness to prevent child abuse. DCFS earned \$3.4 million in State Fiscal Year 2024 under this program.

19. DCFS also receives funding through the Child Abuse and Neglect State program, which is a federal formula-based grant intended to assist states in the support and improvement of their child protective services systems. DCFS earned \$3.2 million in State Fiscal Year 2024 under this program.

20. DCFS also receives funding through the Children's Justice grant program, which is a formula-based grant intended to encourage states to enact reforms to improve assessment, investigation, and if necessary prosecution of suspected child abuse and neglect cases. DCFS earned \$700,000 from this program in State Fiscal Year 2024. This funding supports medical consultation programs for DCFS child abuse and neglect investigations at various hospitals across the State.

Harm Inflicted by a Funding Pause

21. DCFS could not fulfill its mission to keep children safe without the numerous types of federal financial assistance detailed above. DCFS's current budget for state fiscal year 2025 (July 1, 2024 to June 30, 2025) depends on receiving nearly \$395 million in federal reimbursements and over \$12 million in federal grants. During this state fiscal year to date, DCFS has received \$215.6 million in federal reimbursements and \$7.7 million in federal grants. For the rest of the fiscal year, DCFS anticipates receiving \$179.3 million in federal reimbursements and \$4.5 million in federal grants in order to continue to provide services to children and families in Illinois.

22. DCFS relies on federal funds to meet normal operating expenses. Title IV-E of the Social Security Act, for instance, allows reimbursement not only for the costs of services provided to youth in care but also for certain administrative costs incurred by DCFS to administer those services.

23. DCFS receives federal funds on an ongoing basis. Title IV-E reimbursements are received by DCFS on a monthly basis. Title IV-B grant funds are received by DCFS on a semi-annual basis. DCFS receives grant payments multiple times every month for the Community-Based Child Abuse Prevention program, Child Abuse and Neglect State program, and Children's Justice Act grant program.

24. Any reduction or elimination in federal funding that DCFS receives would harm children and families in Illinois. Any reduction or elimination in federal funding could jeopardize the provision of timely and necessary services to children in foster care, including foster parent and relative maintenance payments; contracts for placements for children in foster care; contracts with outside agencies to provide case management and other services to children in foster care and their families; assessments to identify medical and behavioral health needs for foster children and children entering foster care; daycare services; and payments for adoption subsidies and guardianship subsidies.

25. Any reduction or elimination in federal funding could have a chilling effect on the provision of services to abused and neglected children and families in Illinois. DCFS is continually developing new services and placements for abused and neglected children in foster care and any disruption in funding could potentially impact the development of those new services. DCFS is currently working on the development of new services for developmentally delayed youth, youth involved in human trafficking, youth with medically complex health issues, and youth who have acute mental and behavioral health needs.

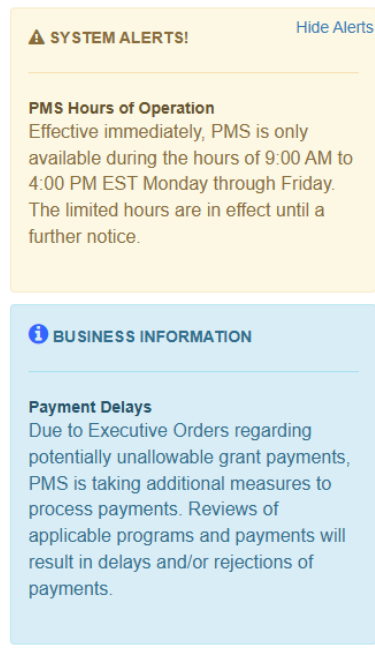
26. Doubts about the certainty of federal support could imperil DCFS's strategic planning to meet the needs of children and families in Illinois. During the state fiscal year 2025, DCFS committed to continued hiring of staff to keep children safe throughout Illinois. DCFS continues to experience increased calls to the DCFS child abuse and neglect hotline, and increased staffing has improved handling of those calls. In prior fiscal years, the DCFS child abuse and neglect hotline handled only 40% of the calls it received in real time, with the other 60% of callers asked to leave a message and await a callback. In the past several years, except

for brief network outages, the DCFS child abuse and neglect hotline has been able to handle calls in real time through increased staffing.

Recent Issues with Access to Federal Funds

27. DCFS uses a federal web portal called Payment Management Services (PMS) to request disbursement of the vast majority of the federal funds discussed in this declaration. In the morning of January 28, 2025, DCFS staff were unable to access PMS for several hours. DCFS staff received an error message that stated “Error reading from remote server.”

28. After several hours, in the late afternoon of January 28, 2025, DCFS was able to regain access to PMS. When DCFS staff signed onto the system, they saw a new alert that stated: “Due to Executive Orders regarding potentially unallowable grant payments, PMS is taking additional measures to process payments. Reviews of applicable programs and payments will result in delays and/or rejections of payments.” A screenshot of the message captured by a DCFS staff member is shown below:



29. As of this writing, DCFS again has access to PMS.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 5, 2025, at Springfield, Illinois.

A handwritten signature in black ink, appearing to read "Heidi E. Mueller", is written over a solid black horizontal line.

Heidi E. Mueller